

Meeting Notice
City of Warwick
Planning Board

Date: Tuesday, September 10, 2013

Time: 6:00 p.m.

Location: Warwick Lower Level Conference Room
32 (Land Rover)75 Post Road
Warwick, RI 02886

Review and approval of the May and June 2013 meeting minutes.

Public Meeting

Recommendation

Request for an Amendment to the City's Zoning Ordinance

Applicants: EJA Development, LLC

EJA Development II, LLC

Brewed Awakenings

Location: 1346 Bald Hill Road

Assessor's Plat: 255

Assessor's Lots 32 (Land Rover) and 33

Ward: 8

Current Zoning: General Business

Proposed Zoning: (Lot 32 (Land Rover), only) General Business, with exemptions for less than required parking, less than required setback to establish a restaurant/fast food and drive through use with outdoor sales, with the lot having more than one actual use on the lot and with the lot having less than required landscaping.

Background

The Applicants are requesting a zone change recommendation for Assessor's Plat 255, Assessor's Lot 32 (Land Rover) (Land Rover) in order to convert an existing structure currently approved for auto sales use, to a restaurant/fast food use, with a drive through. City Assessor's Lots 32 (Land Rover) (Land Rover) and 33 (Jaguar) are under common ownership and were developed in 2001 as two separate Jake Kaplan auto dealerships, in two separate buildings. At the time of development, the primary access to the parcels was via the signalized intersection servicing the abutting retail development, Warwick Centre. An additional driveway access servicing Lot 32 (Land Rover) was restricted to right turn in, right turn out, only.

Several years ago, the two auto dealership showrooms, Jaguar and Land Rover, were combined into one facility located on Assessor's Lot 33 (Jaguar), but the lots continue to be merged for operational purposes. An area of 7,500 square feet in the rear portion of the building on Lot 32 (Land Rover) (Land Rover) is currently used as an

auto service (preparation and detailing) area, and 40 parking spaces on Lot 32 (Land Rover) (Land Rover) continue to be used as a vehicle display area.

In addition to these existing uses on the site, the property owner is proposing to lease the former Land Rover show room area of the building on Lot 32 (Land Rover) to Brewed Awakenings. Brewed Awakenings is a Rhode Island based company, established in 1996 which currently operates four (4) coffee shops in Rhode Island; Johnston, Cranston and South County, The existing shops have proven to be very successful, currently employing 102 people, and the company is looking to expand and grow. The proposed location on Bald Hill Road will add 45 to 55 new employees, with an annual payroll of approximately \$400,000.

The proposal is to renovate 5,700 square feet of the 13,300+/- sf building, for a coffee shop with a drive through window and outdoor seating. The primary access to the new business will be maintained at the existing driveway location on Bald Hill Road. The Applicants are seeking to reconfigure the driveway to allow full access and egress on to Bald Hill Road to the proposed coffee shop. The resulting proposed mixed uses on Lot 32 (Land Rover) will be a combination of auto service, auto display, and coffee shop with drive through and outdoor seating. The auto display area will primarily be located in the southwestern portion (closest to Bald Hill Road) of Lot 32 (Land Rover) and will occupy 40 of the proposed 97 parking

spaces.

The Applicants are seeking to change the zoning from General Business, to General Business with exemptions for less than required parking, less than required setback to drive through use, outdoor sales, more than one non residential use on a lot, and less than required landscape. In addition, the Applicant is seeking to modify the existing right in/out driveway configuration in order to provide sufficient access to sustain the separate business on the parcel. The existing right in/out driveway was previously approved by the Rhode Island Department of Transportation due to the common and single auto dealership use of the two separate abutting parcels that had direct access to a signalized intersection established for the abutting Warwick Centre Plaza. Under the redevelopment plan, this means of ingress/egress through the abutting Kaplan dealership property from this separate and distinct use is no longer a viable alternative and the Applicant is proposing a full access drive onto Bald Hill Road.

Planning Department Findings

The Planning Department finds the proposed zoning amendment to be in compliance with the City's Comprehensive Plan and the principles as proposed in the Comprehensive Plan update, including the Goals and Policies Statement, the Implementation Program, the Land Use Element, and the Economic Development Element, including, but not limited to, the following:

- **Promote an economic climate which increases quality job opportunities and overall economic well being of each municipality and the state.**
- **Encourage commercial and industrial development in Warwick that emphasizes business retention and expansion.**
- **Assist in forming an economic base capable of providing a desirable standard of living, creating job opportunities, and fulfilling reasonable government tax needs.**
- **To make efficient use of available land and proper reuse and expansion of existing land uses.**
- **Provide sites suitable for various commercial and industrial activities in relation to projected needs within Warwick's land use planning program.**
- **Rationally accommodate new industrial, commercial, residential and other development.**
- **Foster commercial development that is balanced, well integrated and provides a benefit to the community.**

The Planning Department also finds the proposed zoning amendment to be generally consistent with the following purposes of the City's

Zoning Ordinance, as presented in Section 100, “Title and Purpose.”

103.1 Promote the public health, safety and general welfare of the City.

103.2 Provides for a range of uses and intensities of use appropriate to the character of the City and reflect current and future needs.

103.3 Provides for orderly growth and development, which recognizes:

A.) The goals and patterns of land use contained in the Comprehensive Plan of the City of Warwick.

E.) The availability and capacity of existing and planned public and/or private services and facilities.

F.) The need to shape and balance urban and suburban development.

G.) The use of innovative development regulations and techniques.

The Planning Department also finds,

• That the traffic report, prepared by RAB Professional Engineers, Inc. and dated July, 2013, concludes that the “the commercial redevelopment project as proposed with the modified full access driveway, has adequate and safe access to a public street, and will not have a detrimental effect on public safety and welfare in the study area.”

The Planning Department recommends a favorable recommendation to the Warwick City Council for the requested zoning amendment, with the following concerns,

- This will be the newest location for a very successful coffee shop operation. The Applicant is proposing less than required parking for the use. The required parking for a fast food use of this size is 100 spaces, and the Applicant is proposing 57 spaces. The required parking for the automotive use on the lot is 31 spaces and 40 spaces are proposed, 9 spaces in excess of the parking standards.**
- With two distinct and separate uses on the lot and in the same building, there is a potentially dangerous conflict between access to the automotive service area on lot 32 (Land Rover) and the drive through window access for Brewed Awakenings.**
- The Planning Department does not support a full access driveway for lot 32 (Land Rover). With the proposed modifications to the existing driveway, there is potential for traffic impacts primarily resulting from the southbound turning movement from the site onto Route 2.**

The Planning Department recommends a favorable recommendation to the Warwick City Council for the requested zoning amendment, with the following stipulations.

1. That the approval be conditional--Due to the potential traffic impacts to Route 2 from a full service driveway servicing Assessor's Plat 255, Assessor's Lot 32 (Land Rover) (Land Rover), the Applicant shall receive a conditional Physical Alteration Permit (PAP), approved by the Rhode Island Department of Transportation (RI DOT), which shall expire and be subject to reapproval after a period of 24-months. At the conclusion of the 24 month period, the Applicant shall submit an updated traffic report, inclusive of site data accumulated pre and post development, to the Administrative Officer to the Planning Board for review and approval. Should the Administrative Officer deem the full access driveway unsafe or disruptive to Ball Hill Road, the Administrative Officer shall refer the Applicant to the Planning Board for assessment. The Planning Board shall have the authority to amend this stipulation to restrict movement from the driveway should the Board consider that the evidence collected in the 24-month assessment period indicated a detrimental effect on Bald Hill Road.

2. That the Applicant shall provide a landscape plan prepared by a Rhode Island Registered Landscape Architect, for review by the City's Landscape Project Coordinator and approval by the Administrative Officer, prior to the issuance of a building permit.

3. That the Applicant shall submit a revised Site Layout and Parking Circulation Plan for review and approval by the Administrative Officer to the Planning Board, prior to the issuance of a building permit,

addressing, at a minimum:

- **Reallocate parking spaces to provide the required 31 spaces for the automotive use and add 9 spaces to the fast food/restaurant use.**
- **Provide landscaping along the northeasterly property line to shield the drive through access lane, replacing the vehicles that are currently being used to impeded vehicle access by and between the subject property and the abutting Warwick Centre. The plan shall provide an ADA accessible pedestrian access between the abutting Warwick Centre and the subject property.**
- **Provide safety measures to prevent accidents in easterly side of the building where the automotive service area and the drive through lane queuing area are both located The Applicant shall investigate moving the order board location to provide more queuing room and or moving the service area doors to the southern elevation of the building. The Applicant shall provide a detail on the plan indicating how this conflict area is address,**
- **Provide specifications for safety barriers from site vehicular traffic at the outdoor seating area.**

Street Abandonment

Portion of Webb Avenue

Petitioner: Brian & Julia Nadeu

Location: 76 Webb Avenue

Assessors Plat: 335, Assessor's Lot 295 (approx. 4'.50" X 17'.50" strip see attached map)

Ward: 5

Reason: The Applicant is requesting an abandonment of a 4'.50" X 17'.50" portion of Webb Avenue. A recent survey revealed that the existing single family dwelling located at 76 Webb Avenue, which was constructed in 1895, prior to the acceptance of the City Street in 1909, encroaches onto the Webb Avenue Right of Way by an approximate 3'.58" x 17'.40" strip (see attached map). The Applicant is proposing to abandon the small portion of Webb Avenue and merge said land with the Applicant's remaining lot to rectify the encroachment and to ensure that the structure is located within the constraints of their property.

Recommendation: The City's Fire Department, Land Trust, and Conservation Commission, Engineering Division, and Water Department have no objection to the proposed abandonment.

1. That the City shall maintain the perpetual right to use any or all of the abandonment for the installation of utilities as needed in the future, with the exception of that portion of the building located on the abandonment.

2. Any proposed improvements shall require all applicable local or state permits.

3. That an Administrative Subdivision meeting the standards as set forth in the “Development Review Regulations governing Subdivisions Land Development Projects Development Plan Review” must be completed by the Applicant and recorded, if the abandonment is approved by the City Council.

The Planning Department recommends the Planning Board forward a positive recommendation to the City Council for the requested abandonment of a portion of Webb Avenue with the recommended stipulations.

Public Hearing

Major Land Development Project

305 Centerville Road

Office Building

Applicant: Shoreline Properties, Inc.

Location: 305 Centerville Road and Orchard Avenue

Assessor’s Plat: 247

Lot(s): 031

Zoning District: Residential A-10

Proposed Zone: Office

Land Area: 23,337 square feet

Number of lots: 1

Engineer: Jeffrey J. Campopiano PE

Ward: 03 (formerly Ward 08)

The Applicant is requesting Preliminary approval of a Major Land Development Project to convert a single family dwelling into professional office space. The proposal includes retaining the existing building and constructing a new 1,300 sf +/- addition. The Applicant has received City Council approval, PCO-16-12, for a zone change from Residential A-10 to Office, with relief for less than required front setback, less than required setback from an abutting residential district, and less than required wetlands setback.

Planning Department Findings

The Planning Department finds this proposal to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations, and:

- 1. Generally consistent with the Comprehensive Community Plan.**
- 2. In compliance with the standards and provisions of the City’s Zoning Ordinance having received City Council approval at the September 19, 2012 meeting for a zone change PCO-16-12 from Residential A-10 to Office, with relief for less than required front**

setback, less than required setback from an abutting residential district, and less than required wetlands setback.

3. That the project received Master Plan approval from the Planning Board on August 20, 2012.

4. That the subject property is located on the northerly side of Centerville Road and the westerly side of Orchard Avenue and is identified as Assessor's Plat: 247, Assessor's Lot: 031, and consists of approximately 23, 337 square feet.

5. That in December of 1997, the Warwick City Council approved PCO-30-97 amending the City's Comprehensive Plan to allow for the establishment of the office use zoning designation in the area on the north side of Centerville Road, from intersection of Toll Gate Road to the Route 95 Interchange.

6. That the paved driveway of Assessor's Plat 247, Assessor's Lot 30 encroaches on the subject parcel along the northerly property line.

7. That the existing building and the proposed addition are within the 50' wetlands buffer.

8. That in the 1700's, all the land from Apponaug west along Centerville was owned by the Greene family. It is likely that this building was constructed by Captain Samuel Greene, or his son Christopher Greene, circa 1722.

9. That the Applicant received approval from the Warwick Historic District Commission for alterations to the existing historic stone walls on the subject parcel and approval of text for a historic plaque for the site.

10. That a Storm Water Management Plan was submitted and designed in accordance with Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010, to demonstrate a zero-net runoff from the development.

11. That the Project has an approved landscape plan.

12. That Rhode Island Department of Environmental Management Application No. 12-0001 indicates there will be no significant negative environmental impacts from the proposed development, as illustrated and detailed on plans filed by the Applicant.

13. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.

14. That the proposed development has adequate access to a public street. The Applicant has received RIDOT Physical Alteration Permit, No. 13032 (Land Rover)5-A for proposed alterations.

15. That the property does not have access to public sewer and has received RIDEM approval for an On Site Wastewater Treatment System (OWTS).

Planning Department Recommendation

Planning Department recommendation is to grant Preliminary Approval, with Final Approval to be through the Administrative Officer to the Planning Board, with the following stipulations:

1. That the proposal shall be limited to professional office use. No medical office use shall be allowed without review and approval of a revised parking layout.

2. That the Applicant shall receive approval from Kent County Water Authority, prior to obtaining a building permit.

3. That the proposed width of Orchard Avenue must be resurfaced with 1 ½ inches of pavement from the northerly edge of Centerville Road north to the end of the proposed water line. The edges of the existing pavement must be cold planed for a minimum of 3 feet wide, per side. The Applicant must coordinate reconstruction of Orchard Avenue upon completion of all utility installation. Contractor must use saw cuts and create smooth transitions between the existing and new pavement. Alternative layouts may be discussed with the City Engineer.

4. A Class I Survey, prepared by a Registered Professional Land Surveyor, shall be included in the Final Plan set. This plan shall include the existing and proposed conditions. All stations and offsets must be shown for all corners and angle points along the State Highway Plats.

5. That the Applicant shall install a plaque on the site with text as approved by the Warwick Historic District Commission, prior to issuance of Certificate of Occupancy for the office.

Public Meeting

Minor Subdivision

745 Jefferson Boulevard

Applicant: MICO, LLC

Location: 745 Jefferson Boulevard

Assessor's Plat: 277 Lots: 1 and 3

Assessor's Plat: 278 Lots: 4 and 115

Zoning District: GI, General Industrial and Residential A7 (AP277, AL3)

Land Area: 80+/- acres

Number of existing lots: 4

Number of proposed lots: 5

Engineer: DiPrete Engineering Associates, Inc.

The Applicant is requesting Preliminary Approval of a Minor Subdivision to resubdivide the land bounded by Jefferson Boulevard, Metro Center Boulevard, Kilvert Street, Greystone Street, Dorrance Street and Thurber Street, from four existing lots of record into five lots, one lot not for development, two lots with existing buildings and two lots for future development.

Planning Department Findings

The Planning Department finds this proposal to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations and

- 1. Generally consistent with the Comprehensive Community Plan and the goals of the abutting Warwick Station Development District**
- 2. In compliance with the standards and provisions of the City’s Zoning Ordinance, with all lots and buildings meeting dimensional requirements, with one preexisting non conforming setback for the Elizabeth Mill, which was constructed in 1875.**
- 3. That the parcel currently consists of four lots, 3 lots are zoned**

General Industrial, with Assessor's Plat 277; Assessor's Lot 3 zoned Residential, A-7.

4. That the site is the location of the Leviton Manufacturing Company, which was used for many years for business enterprises, but has ceased operations.

5. That this parcel is in close proximity to the Warwick Station Development District, which has an approved Master Plan targeting this area for redevelopment.

6. That the parcel was part of Hill's Grove, an area that was the home of the Rhode Island Malleable Iron Works, established by Thomas Jefferson Hill in 1867. Hill's Grove was renamed Hillsgrove and became the location of the Elizabeth Mill, circa 1875.

7. The Elizabeth Mill is part of the City's cultural heritage and is cited in the WSDD Master Plan as a significant building worthy of preservation and reuse, and as a structure which would provide a unique opportunity for mixed use development

8. That the buildings on the parcel consist of the historically unique Elizabeth Mill with a one story addition constructed in 1958, and small, accessory outbuildings.

9. That the main building will be bifurcated to leave two separate and

distinct buildings that are in conformance with all dimensional requirements of the Warwick Zoning Ordinance --the Elizabeth Mill being an existing, non conforming building, and an approximately 570,000 square foot, one story building to be used for a general industrial use.

10. That there will be no significant negative environmental impacts from the proposed development.

11. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable for development.

12. That the proposed development possesses adequate access to a public street.

Planning Department Recommendations

Planning Department recommendation is to grant Preliminary Approval, with Final Approval to be through the Administrative Officer, upon compliance with the following stipulations:

1. That the Final Plan shall comply with Section 3.02C of the Procedural & Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, Effective

April 1, 1994

2. That the Final Plan shall include a permanent easement across Lot 3 to provide adequate access to a public street for proposed Lot 2. This access drive constructed in this easement shall be configured to provide safe and adequate access for large, commercial vehicles typically utilizing General Industrial sites. The Applicant shall provide a performance bond for the construction of the access drive with a minimum width of 40' and in accordance with construction standards as determined by the Director of Public Works, prior to the recording of the Record Plat.

3. That the Applicant shall maintain the current access drive as a temporary easement over Lot 3 in order to provide access for Lot 2 until the construction of a permanent access drive is completed to the standards a prescribed by the Director of Public Works and to the satisfaction of the Director of Public Works.

4. That the Applicant shall meet with the Division of Water to determine requirements for any new water services and coordinate with the Sewer Authority for any future work on the parcel.

5. That any future development of proposed lots 1, 2, 3, and 4 shall be subject to approval by the Warwick Planning Board as a Major Land Development Project as per City of Warwick Development Review Regulations, Article 5. Major Subdivisions and Major Land

Development Plan Review. This stipulation shall be noted on the Final Plan.

6. That the Applicant shall post a performance bond, prior to the recording of the Record Plat, for the bifurcation of the Elizabeth Mill Building located on proposed Lot 1 and the building addition located on proposed Lot 2. These buildings shall be bifurcated within six (6) months of the final recording of this subdivision. The building walls of both buildings shall be a minimum distance of fifteen (15) feet away from the southerly property line of Proposed Lot 1 in order to meet the side setback requirements for a General Industrial zone. The bond amount shall be determined by the Warwick Building Official. A note shall be added to the Final Plan stating that the demolition will be completed within 6 months of the recording of the Final Plan.

7. That the Applicant shall include a note and detail on the Final Plan to address in the utility locations for both proposed lots 1 and 2, post building bifurcation.

8. That the Applicant shall ensure that the building demolition does not cause structural damage to either portion of the building and that the end wall condition of the 1958 addition is addressed. Any disturbed land shall be properly loamed and seeded and maintained as per City of Warwick Zoning Ordinance, Section 505.

Assessor's Plat 277, Lots 1 and 3

Assessor's Plat 278, Lots 4 and 115

Zoning Analysis for proposed subdivision

Proposed Lot 1, Elizabeth Mill building, circa 1875

Minimum Lot Area 6,000 sf 201,005

Minimum Frontage 60' 530', 549', 380'

Minimum Lot Width 60' 530'

Min Front and Corner Side 25' 19'* 50', 200'

Minimum Side Yard 15' 15'+ **

Minimum Rear Yard 20' NA

Parking Required 146 spaces 277+/- spaces feasible

Note: Proposed Lot 1 will have three front setbacks and one side setback. Jefferson Boulevard, Thurber Street and Marvin Street.

*** Existing, non conforming condition. This building was constructed in 1875. The proposed subdivision does not effect this condition.**

****Within six months of the final recording of the subdivision, a portion of the building will be demolished to be in full conformance with the side setback.**

Proposed Lot 2, with existing 571,175sf building

Minimum Lot Area 6,000 sf 1,32 (Land Rover)1,371sf

Minimum Frontage 60' 547', 570'

Minimum Lot Width 60' 547'

Min Front and Corner Side 25', 100' (abutting residential) 50'+, 50'+, 105' (to A7)

Minimum Side Yard 15' 100', 200', 17'**

Minimum Rear Yard 20' NA

Parking Required 1,145 spaces 1,156 spaces feasible

Note: Proposed lot 2 will have two front setbacks, Jefferson and Dorrance, and multiple interior side setbacks.

Proposed Lot 3, for future development

Minimum Lot Area 6,000 sf 296,183 sf

Minimum Frontage 60' 796', 905'

Minimum Lot Width 60' 700', 905'

Min Front and Corner Side 25' NA

Minimum Side Yard 15' NA

Minimum Rear Yard 20' NA

Parking NA

Proposed Lot 4, for future development

Minimum Lot Area 6,000 sf 370,054sf

Minimum Frontage 60' 751', 425'

Minimum Lot Width 60' 751'

Min Front and Corner Side 25' NA

Minimum Side Yard 15' NA

Minimum Rear Yard 20' NA

Wetlands setback

Proposed Lot 5, NOT FOR DEVELOPMENT

Minimum Lot Area 6,000 sf 1,587,609sf

Minimum Frontage 60' 965'

Minimum Lot Width 60' 965'

Min Front and Corner Side 25' NA

Minimum Side Yard 15' NA

Minimum Rear Yard 20' NA

Wetlands

Actions by the Administrative Officer

Administrative Subdivision

Name	Assessor's Plat:	Assessor's Lot/s
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Fagnant Plat	244	82 & 207
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Peloquin Plat	252 & 253	1 & 19
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Casimiro-lafrate Plat	290	104, 106, & 110
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Caffrey-Almon Plat	300	170 & 171
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Hughes Plat	302	253, 254, 256, & 257
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Minnesota Avenue Plat	309	240 & 248
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Harry & Sheila Curran Plat 317 297 & 299

Erban Plat 332 645, 647, & 820

Law Plat 335 195 & 196